

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01231-ABJ**

JAMES MADISON PROJECT et al v. CENTRAL
INTELLIGENCE AGENCY et al
Assigned to: Judge Amy Berman Jackson
Case: 1:18-cv-00569-ABJ
Cause: 05:552 Freedom of Information Act

Date Filed: 06/22/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JAMES MADISON PROJECT

represented by **Bradley Prescott Moss**
LAW OFFICES OF MARK S. ZAID, P.C.
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
(202) 907-7945
Fax: (202) 330-5610
Email: brad@markzaid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Steven Zaid
LAW OFFICES OF MARK S. ZAID, P.C.
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
(202) 454-2809
Fax: (202) 330-5610
Email: Mark@MarkZaid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

NOAH SHACHTMAN

represented by **Bradley Prescott Moss**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Steven Zaid
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

SPENCER ACKERMAN

represented by **Bradley Prescott Moss**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Steven Zaid
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Nicholas P. Cartier**
U.S. DEPARTMENT OF JUSTICE

Civil Division, Federal Programs Branch
 1100 L Street, NW
 Washington, DC 20530
 (202) 616-8351
 Email: nicholas.cartier@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen McCoy Elliott
 U.S. DEPARTMENT OF JUSTICE
 Civil Division, Federal Programs Branch
 20 Massachusetts Avenue, NW
 Washington, DC 20530
 (202) 305-8177
 Fax: (202) 616-8470
 Email: stephen.elliott@usdoj.gov
TERMINATED: 08/22/2018

Defendant**DEPARTMENT OF DEFENSE**

represented by **Nicholas P. Cartier**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen McCoy Elliott
 (See above for address)
TERMINATED: 08/22/2018

Defendant**DEPARTMENT OF JUSTICE**

represented by **Nicholas P. Cartier**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen McCoy Elliott
 (See above for address)
TERMINATED: 08/22/2018

Defendant**DEPARTMENT OF STATE**

represented by **Nicholas P. Cartier**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen McCoy Elliott
 (See above for address)
TERMINATED: 08/22/2018

Date Filed	#	Docket Text
06/22/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5003114) filed by JAMES MADISON PROJECT, Spencer Ackerman, NOAH SHACHTMAN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons CIA, # <u>3</u> Summons DoD, # <u>4</u> Summons DOJ, # <u>5</u> Summons DOS, # <u>6</u> Summons US Attny, # <u>7</u> Summons USAG)(Zaid, Mark) (Entered: 06/22/2017)
06/22/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests <i>for James Madison Project</i> by JAMES MADISON PROJECT (Zaid, Mark) (Entered: 06/22/2017)
06/26/2017	<u>3</u>	NOTICE of Appearance by Bradley Prescott Moss on behalf of All Plaintiffs (Moss, Bradley) (Entered: 06/26/2017)

06/26/2017		Case Assigned to Judge Amy Berman Jackson. (zsb) (Entered: 06/26/2017)
06/26/2017	<u>4</u>	SUMMONS (6) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 06/26/2017)
08/10/2017	<u>5</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE.(Elliott, Stephen) (Entered: 08/10/2017)
08/11/2017	<u>6</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule according to which it will complete its production of documents to plaintiffs on or before September 11, 2017. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/11/2017. (lcabj2) (Entered: 08/11/2017)
09/08/2017	<u>7</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE. (Elliott, Stephen) (Entered: 09/08/2017)
09/08/2017		MINUTE ORDER. In light of <u>7</u> defendants' status report, Department of State will complete its search for responsive records and release any non-exempt responsive materials to plaintiffs by September 29, 2017. Further, the Court adopts the following briefing schedule with regard to defendants CIA, FBI, and NSA's Glomar responses: plaintiffs must file their motion for partial summary judgment by September 18, 2017; defendants must file their combined opposition and cross-motion for partial summary judgment by October 18, 2017; plaintiffs must file their combined reply and cross-opposition by November 1, 2017; and defendants must file their cross-reply by November 15, 2017. The Court will establish a schedule for briefing issues related to responses provided by DIA and Department of State at a later date, if necessary. SO ORDERED. Signed by Judge Amy Berman Jackson on 9/8/2017. (lcabj2) (Entered: 09/08/2017)
09/18/2017	<u>8</u>	MOTION for Partial Summary Judgment by SPENCER ACKERMAN, JAMES MADISON PROJECT, NOAH SHACHTMAN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit 1 – FOIA Requests, # <u>4</u> Text of Proposed Order)(Moss, Bradley) Modified event title on 9/19/2017 (znmw). (Entered: 09/18/2017)
10/18/2017	<u>9</u>	Memorandum in opposition to re <u>8</u> MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of David M. Hardy, # <u>3</u> Declaration of David J. Sherman, # <u>4</u> Declaration of Antoinette B. Shiner, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Elliott, Stephen) (Entered: 10/18/2017)
10/18/2017	<u>10</u>	Cross MOTION for Partial Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of David M. Hardy, # <u>3</u> Declaration of David J. Sherman, # <u>4</u> Declaration of Antoinette B. Shiner, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Elliott, Stephen) (Entered: 10/18/2017)
11/01/2017	<u>11</u>	REPLY to opposition to motion re <u>8</u> MOTION for Partial Summary Judgment filed by SPENCER ACKERMAN, JAMES MADISON PROJECT, NOAH SHACHTMAN. (Moss, Bradley) (Entered: 11/01/2017)
11/01/2017	<u>12</u>	Memorandum in opposition to re <u>10</u> Cross MOTION for Partial Summary Judgment filed by SPENCER ACKERMAN, JAMES MADISON PROJECT, NOAH SHACHTMAN. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Text of Proposed Order)(Moss, Bradley) (Entered: 11/01/2017)
11/15/2017	<u>13</u>	REPLY to opposition to motion re <u>10</u> Cross MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE. (Elliott, Stephen)

		(Entered: 11/15/2017)
05/10/2018	<u>14</u>	NOTICE of <i>Related Case</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE (Elliott, Stephen) (Entered: 05/10/2018)
08/22/2018	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Nicholas P. Cartier on behalf of CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE Substituting for attorney Stephen Elliott (Cartier, Nicholas) (Entered: 08/22/2018)
09/26/2018	<u>16</u>	ORDER. Pursuant to Federal Rule of Civil Procedure 56 and for the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that plaintiffs' Motion for Partial Summary Judgment <u>8</u> is DENIED and defendants' Cross-Motion for Partial Summary Judgment <u>10</u> is GRANTED. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/26/2018. (lcabj3) (Entered: 09/26/2018)
09/26/2018	<u>17</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 09/26/2018. (lcabj3) (Entered: 09/26/2018)
10/05/2018		MINUTE ORDER. Plaintiffs and defendants State Department and DIA must submit a joint status report that includes a schedule for further proceedings by October 12, 2018. Signed by Judge Amy Berman Jackson on 10/05/2018. (lcabj3) (Entered: 10/05/2018)
10/12/2018	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Cartier, Nicholas) (Entered: 10/12/2018)
10/12/2018		MINUTE ORDER. In light of the parties' status report <u>18</u> , it is ORDERED that the parties shall file another status report by December 3, 2018. Signed by Judge Amy Berman Jackson on 10/12/18. (DMK) (Entered: 10/12/2018)
10/18/2018		Set/Reset Deadlines: Joint Status Report due by 12/3/2018. (tb) (Entered: 10/18/2018)
12/03/2018	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Cartier, Nicholas) (Entered: 12/03/2018)
12/04/2018		MINUTE ORDER. The parties must file an updated status report by January 17, 2019, if the matter has not been resolved by then. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/04/2018. (lcabj3) (Entered: 12/04/2018)
01/17/2019	<u>20</u>	MOTION to Stay by DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Cartier, Nicholas) (Entered: 01/17/2019)
01/17/2019		MINUTE ORDER granting <u>20</u> Motion to Stay. The government must file a notice within two days of the resumption of operations and it should include a proposed revised schedule is necessary. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/17/2019. (lcabj3) (Entered: 01/17/2019)
01/29/2019	<u>21</u>	NOTICE of <i>Restoration of Operations</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Cartier, Nicholas) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. In light of the government's notice <u>21</u> , the stay in this case is hereby lifted. The parties must submit a joint status report by March 1, 2019, if the matter has not been resolved. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/30/2019. (lcabj3) (Entered: 01/30/2019)